

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 872 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MOHANJI M MANGAJI DECEASED, THROUGH HEIRS AMBALAL MOHANJI

Versus

MANJULABEN KACHRABHAI & ORS.

Appearance:

MR AH MEHTA for Petitioners

MR VC DESAI for Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 16/07/96

ORAL JUDGMENT

Heard learned counsel for the parties. The Deputy Collector, the original authority, has not accepted the claim of the respondents herein for purchase of land in dispute on the ground that their names in the disputed land out of block No.573 have been found to be contrary to the provisions of Tenancy & Fragmentation Act, and as such, they cannot be treated as co-owners.

On the basis of these findings, the application for sale of land has been rejected. These findings of the Deputy Collector have been reversed by the Appellate Authority relying on Entry in Village Form No.6 bearing No.3194, dated 15.5.76. This Entry has not been challenged by the petitioners. The counsel for the petitioners has frankly conceded that in the Special Civil Application also, no ground has been raised as to how this Entry No.3194 dated 15.5.76 is incorrect.

2. In view of these facts, I do not find any illegality in the order of the Appellate Authority which calls for interference of this Court. In the result this Special Civil Application fails and the same is dismissed with no order as to costs.

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(sunil)